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June 1, 1994

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JUN 1 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

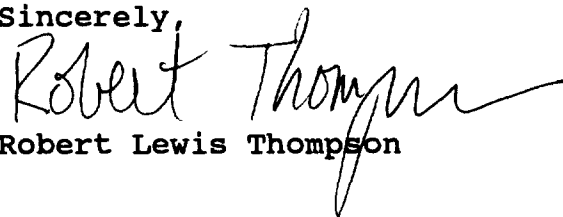
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: KQSC (FM) [formerly KIQS-FM]
Petition for Rule Making
MM Docket 94-29
Attn: Ms. Nancy Joyner
Room 8324 (2025 M Street)

Dear Mr. Caton:

Transmitted herewith on behalf of Pacific Spanish Network, Inc. is an original and four copies of Comments with respect to the referenced Rule Making.

Sincerely,


Robert Lewis Thompson

Enclosure

cc: Jaime Bonilla Valdez (w/o encl.)
Brett Miller " "
Larry Morton " "

No. of Copies rec'd
List ABCDE

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Before the
Federal Communications Commission
Washington, D.C. 20554

ORIGINAL

In re Matter of)	MM DOCKET No. 94-29
)	
Amendment of Section 73.202(b))	
Table of Allotments)	
FM Broadcast Stations)	
)	
(Willows and Dunnigan, CA))	
)	
)	
)	

RECEIVED

JUN 1 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: Chief, Allocations Branch

COMMENTS OF PETITIONER

Pacific Spanish Network, Inc. ("PSN"), petitioner's successor-in-interest ^{1/}, respectfully submits these comments in support of the proposed Rule Making, whereby Channel 288B1 would be substituted for Channel 288A at Willows, CA, and Channel 288B1 would be reallocated from Willows to Dunnigan, CA.

As the licensee of KQSC (FM) at Willows, CA [formerly KIQS-FM] ^{2/}, PSN fully supports the proposal. If the allotment of the upgraded channel and the change of communities is granted by the FCC, the licensee will promptly apply for the upgraded facility. Once the CP for the new facility is granted, PSN will promptly construct the new facility at Dunnigan, CA.

^{1/} By letter dated April 19, 1994, the undersigned reported to the FCC that an assignment of license for KIQS (FM) from KIQS, Inc. to Pacific Spanish Network, Inc. ("PSN") had been consummated. Accordingly, PSN has succeeded to the interests of Petitioner for purposes of this Rule Making.

^{2/} The FCC approved a call sign change to KQSC (FM) by letter dated April 22, 1994.

Moreover, the information requested by the FCC ^{3/} is provided in the attached Engineering Report. ^{4/} The engineering studies confirm that the public interest would be served by granting the Petition and making the new allotments.

Respectfully submitted,



Robert Lewis Thompson
PEPPER & CORAZZINI, P.L.P.
1776 K Street, N.W., Suite 200
Washington, D.C. 20006
(202) 296-0600

June 1, 1994

Counsel for PSN

^{3/} See NPRM, at ¶ 5.

^{4/} For the convenience of the FCC staff, the engineering exhibits refer to the existing station as "KIQS-FM", rather than the new call sign, "KQSC (FM)."

**ENGINEERING EXHIBITS
IN SUPPORT OF COMMENTS
TO NOTICE OF
PROPOSED RULE MAKING**

May 27, 1994

Radio Station KIQS-FM
KIQS, Inc.
FM Channel 288B1 □ 105.5 Megahertz
Dunnigan, California



LAWRENCE L. MORTON ASSOCIATES
1231 MESA OAKS LANE
MESA OAKS, CALIFORNIA 93436-2309
(805) 733-4275 / FAX (805) 733-4793

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EXHIBIT E-1 ENGINEERING STATEMENT

The information and data contained within these Engineering Exhibits were prepared on behalf of Pacific Spanish Network, Inc., licensee of FM broadcast station KQSC(FM), formerly and hereinafter KIQS-FM, 105.5 Megahertz, Channel 288A, in support of comments to Notice of Proposed Rule Making, MM Docket No. 94-29, released April 15, 1994.

I. DISCUSSION

In Paragraph Five of the Notice, the Commission requested additional information from the petitioner concerning existing aural broadcast services within the proposed gain and loss areas. This report serves to address these issues and provide the requested information.

Exhibit E-2 is a map showing the KIQS-FM, BMLH-931202KH, 60 dB μ service contour at Willows and the 60 dB μ contour from a hypothetical Class B1 facility from the proposed allotment reference coordinates for Dunnigan. The allotment reference coordinates are:

North Latitude: 38 degrees, 55 minutes, 34 seconds
West Longitude: 121 degrees, 54 minutes, 10 seconds

For each FM station presented in these exhibits, terrain elevation data from three to sixteen kilometers on radials spaced at five-degree azimuthal intervals starting with True North were extracted from the computerized thirty-second point elevation database version of Elevation Data For North America, available from the Department of Commerce, National Geophysical Data Center, National Oceanic and Atmospheric Administration. A total of 131 points along each radial were linearly interpolated according to § 73.312(d).

The height above average terrain along each of the 72 radials was computed by averaging the elevations between three and sixteen kilometers below the antenna radiation center in accordance with § 73.313(d)(3).

The locations of the 60 dB μ F(50,50) service contours were calculated according to the computer methods outlined in F.C.C. publication PB-249144, Field Strength Calculations For TV And FM Broadcasting. The computer methods use digitized data taken directly from the graph of § 73.333 Figure 1. Intermediate values are obtained using bivariate interpolation techniques for surface fitting.

Note that, in the Petition for Rule Making, the petitioner had used terrain data extracted from the Defense Mapping Agency three arc-second point elevation database along one-degree azimuthal intervals to determine the KIQS-FM contours from Willows and Dunnigan. In this study, however, thirty-second terrain data were used to determine the extent of the contours from other aural broadcast services. Therefore, for consistency, the KIQS-FM Willows and Dunnigan contours as represented herein were determined using the thirty-second terrain

database. Thus, slight differences exist in the areas and populations contained within the KIQS-FM contours from those represented in the original petition. Exhibits E-13A and E-13B tabulate the areas and populations within the Willows and Dunnigan contours, respectively, as determined using the thirty-second terrain data.

II. LOSS AREA

A study was conducted to determine the number of AM and FM stations that provide full-time aural broadcast service to the area contained within the KIQS-FM 60 dB μ service contour at Willows. Exhibit E-2 shows that the loss area associated with the proposed KIQS-FM upgrade is the entire area enclosed within this contour.

Pursuant to footnote five of the Notice, full-time AM reception service is defined by the station's nighttime interference-free contour for non-Class A stations, and by the 0.5 mV/m groundwave contour for Class A stations. Exhaustive nighttime interference studies were performed for all of the full-time AM facilities within the vicinity of the KIQS-FM 60 dB μ contour to determine those AM stations that provide service to the area. Note that the KIQS-FM sister station, KIQS(AM), is not among the list of stations that provide full-time service because KIQS(AM) operates during daytime hours only.

Also studied were the 60 dB μ contours of all FM stations in the area to determine those that provide some overlap to the KIQS-FM contour at Willows. Exhibit E-9 tabulates the list of stations that provide aural broadcast reception within the service contour produced by the KIQS-FM facility at Willows.

Exhibit E-3 shows the KIQS-FM service contour from the Willows facility, and the service contours of the AM and FM stations that provide aural service within the proposed loss area. Exhibits E-5A through E-5E are a series of "spaghetti" maps showing the proposed loss area and the contours of the aural service providers. Shading is used to represent the areas that receive a specific number of aural broadcast services corresponding to the number indicated in the title block of the map. Exhibit E-7 tabulates these data and indicates the land areas and populations within the identified regions.

The results of this study indicate that the proposed change in principal community will not create any white or gray areas. In fact, every person residing within the proposed loss area will continue to receive at least nine aural reception services and over 76 percent of the population will continue to receive eleven services.

However, in the event that a suitable expression of interest is received from a party desiring to provide additional service to Willows and the surrounding area, there are two alternate channels, 272A and 292A, that can be allotted to the community with site restrictions. Exhibits E-12A and E-12B show the fully spaced areas to locate these Class A channels for compliance with the spacing requirements of § 73.207. Furthermore, an applicant could avail itself of the provisions of § 73.215 in order to expand the area in which an acceptably spaced transmitter site could be located.

III. GAIN AREA

The same type of study was performed to determine the number of existing aural broadcast reception services within the KIQS-FM proposed gain area. Exhibit E-4 shows the KIQS-FM Class B1 60 dB μ contour at Dunnigan and the service contours of the other aural service providers. The list of stations is tabulated in exhibit E-10.

Exhibits E-6A through E-6K are maps showing the areas within the KIQS-FM contour at Dunnigan that already receive from five to fifteen-plus aural reception services. Again, each level of service is shaded and corresponds to the number shown in the title block.

The proposed Class B1 facility at Dunnigan will result in a sixth service to 55 persons, a seventh service to 477 persons, an eighth service to 124 persons and a ninth service to 104 persons. These data are tabulated in Exhibit E-8.

Exhibit E-11 is a map depicting the KIQS-FM Willows and Dunnigan contours and the locations of the 1990 U.S. Census blocks in the area. The map shows that most of the area within the proposed gain area is rural and will benefit from establishment of a new service.

IV. CONCLUSIONS

In conclusion, the following salient facts result from the outcome of the aforementioned analysis, and information provided by the petitioner in its original filing.

- The proposed gain and loss areas are already well served under the Commission's definition of at least five radio services.
- The proposed loss area will be left with no fewer than nine aural reception services and 76 percent of the loss area will still receive eleven stations.
- Two additional Class A channels are available for allotment within the proposed loss area that meet the minimum spacing criteria should an expression of interest be received.
- Establishment of a Class B1 facility at Dunnigan will provide the community with its first local aural broadcast service.
- No other FM channel of any class is available for allotment at Dunnigan as an alternative to Channel 288B1.
- Allotment of Channel 288B1 at Dunnigan will result in a sixth service to 55 persons, a seventh service to 477 persons, an eighth service to 124 persons and a ninth service to 104 persons.

The petitioner reaffirms its intention to apply for Channel 288B1 at Dunnigan if it is allotted and, if authorized, to build the requested facilities promptly.

It is believed that all methods employed in making the determinations contained within this Engineering Statement were in accordance with applicable F.C.C. Rules and Regulations and good engineering practice.

Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
May 27, 1994

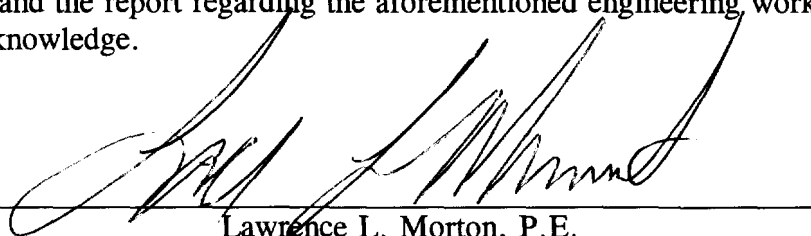
AFFIDAVIT

State of California)
)
County of Orange) ss:

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:


- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

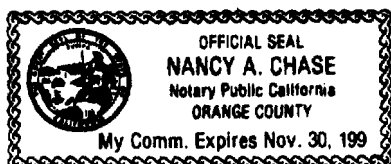
Date: May 27, 1994


Lawrence L. Morton, P.E.

On May 27, 1994, before me, Nancy A. Chase, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/94


Nancy A. Chase
Notary Public



Lambert Azimuthal Equal-Area

30' 00" Graticule Spacing

KIQS-FM WILLOWS 60 DBU CONTOUR

CENTER OF MAP:

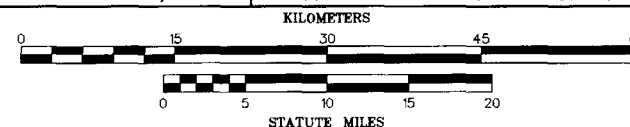
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W LON 121 53' 25.00"

Scale 1 : 743,113

EXHIBIT E-2

COMPARISON BETWEEN KIQS-FM
CLASS A FACILITY AT WILLOWS AND
CLASS B1 FACILITY AT DUNNIGAN

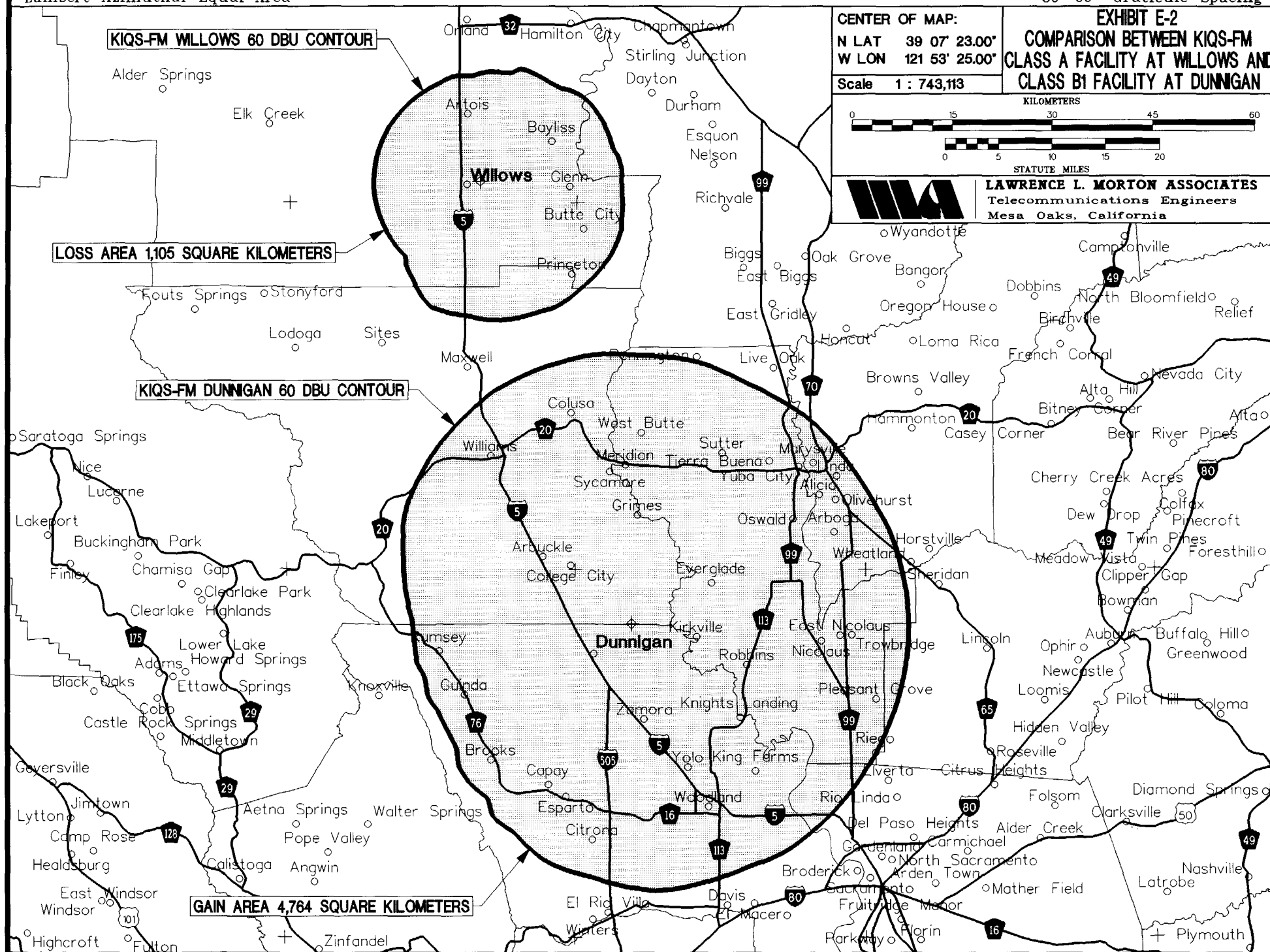


LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California

LOSS AREA 1,105 SQUARE KILOMETERS

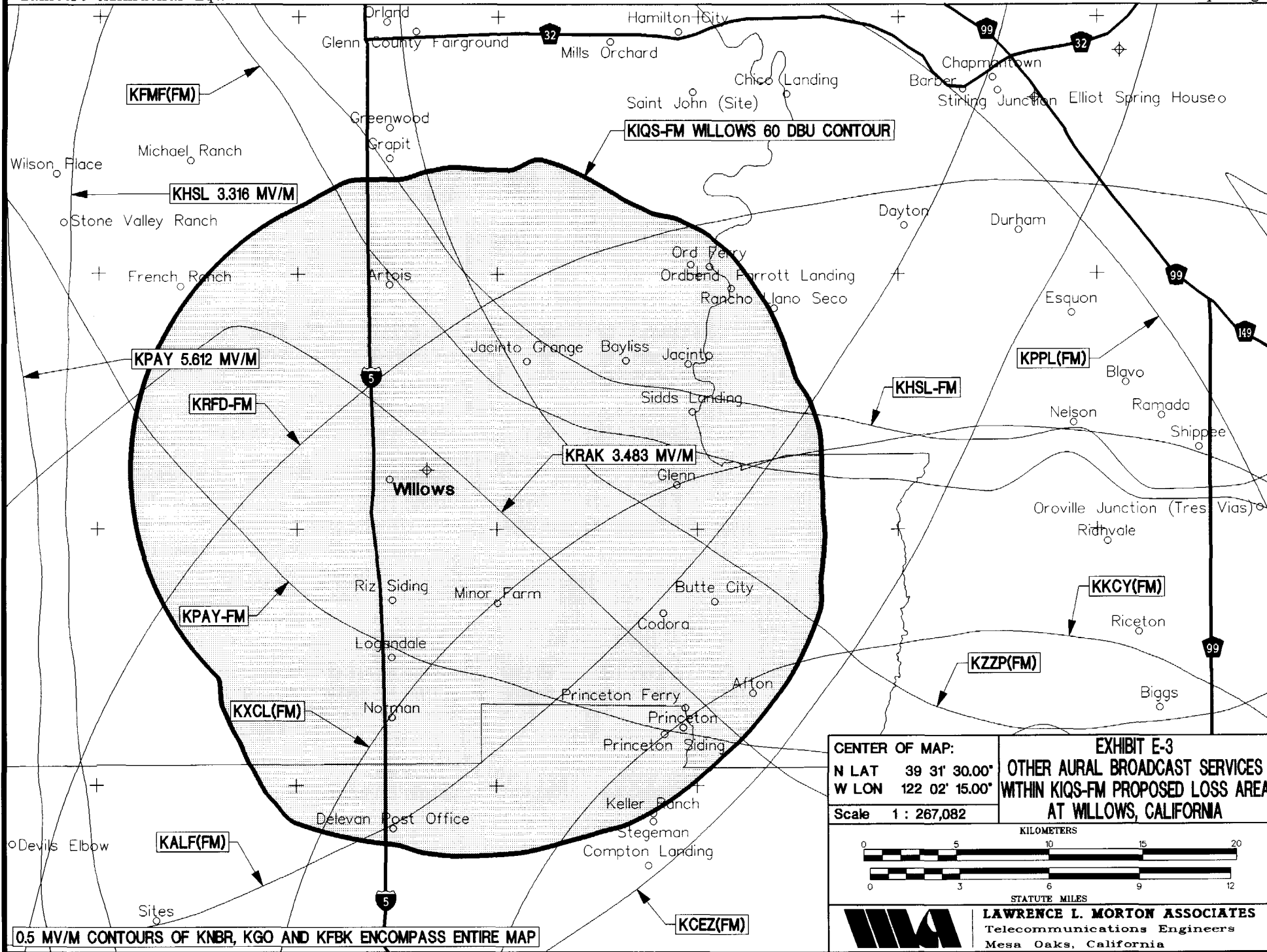
KIQS-FM DUNNIGAN 60 DBU CONTOUR

GAIN AREA 4,764 SQUARE KILOMETERS



Lambert Azimuthal Equal-Area

7' 30" Graticule Spacing



CENTER OF MAP:

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W LON 122 02' 15.00"

Scale 1 : 267,082

EXHIBIT E-3

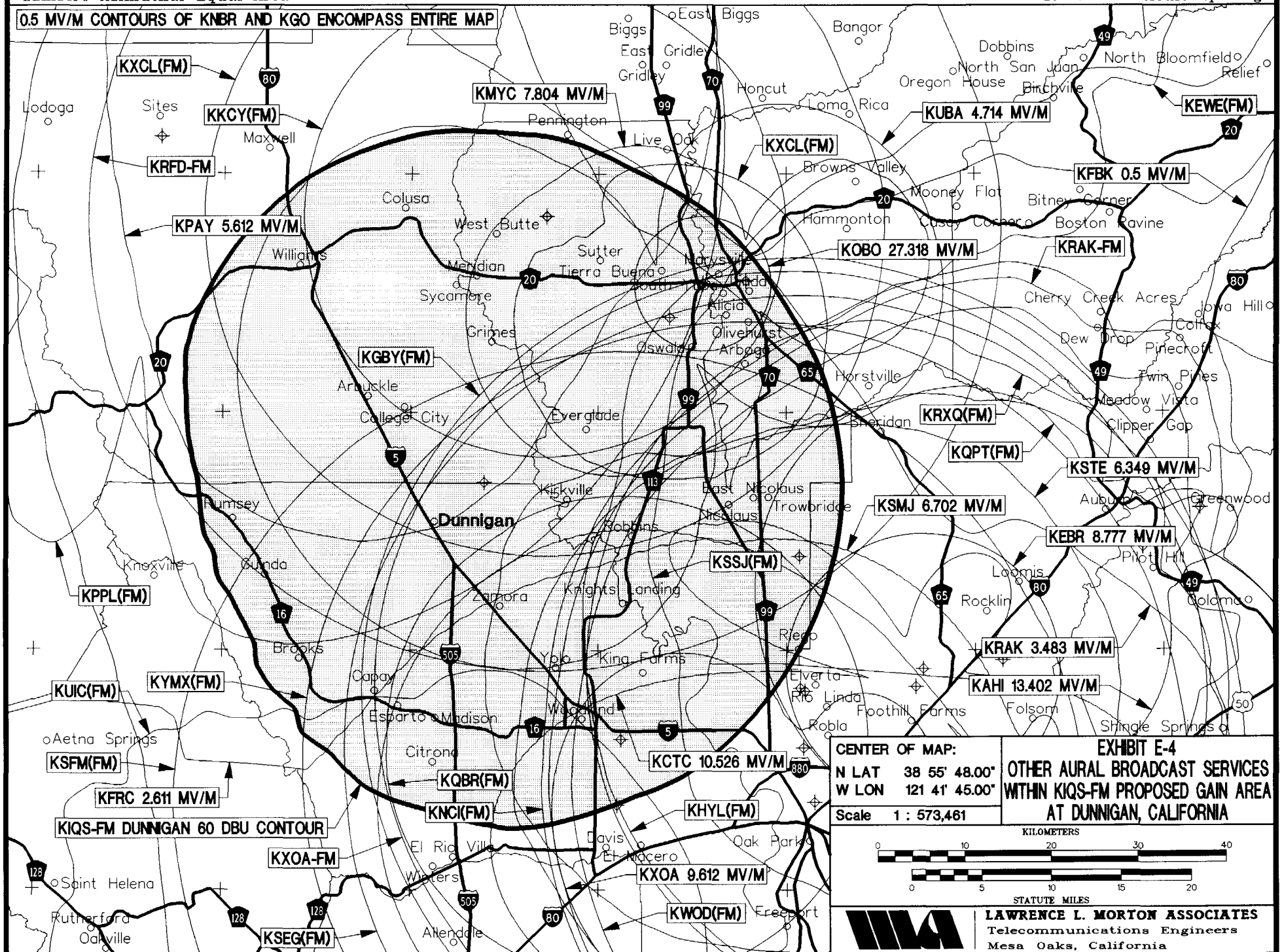
OTHER AURAL BROADCAST SERVICES
WITHIN KIQS-FM PROPOSED LOSS AREA
AT WILLOWS, CALIFORNIA



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California

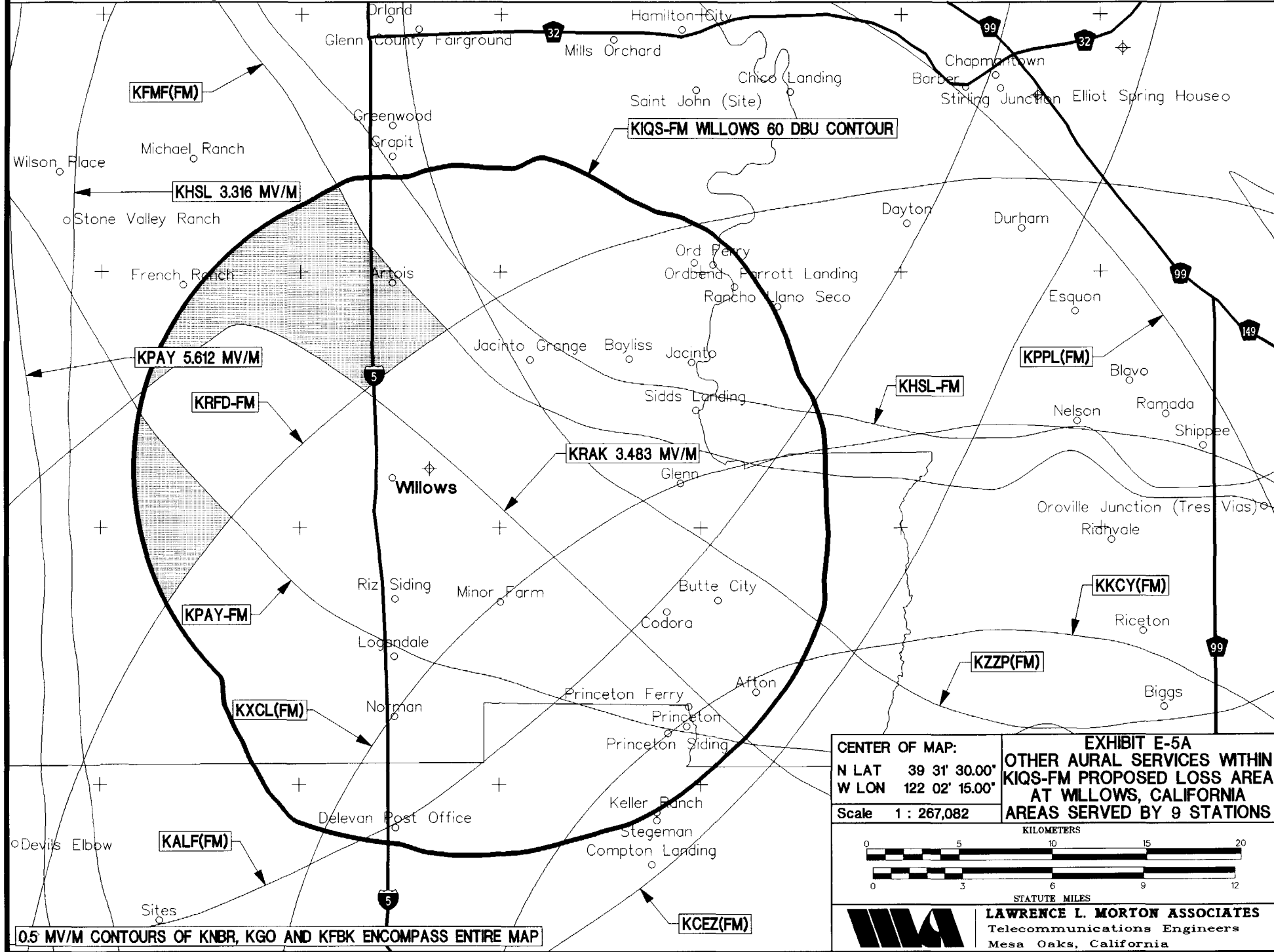
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0.5 MV/M CONTOURS OF KNBR AND KGO ENCOMPASS ENTIRE MAP



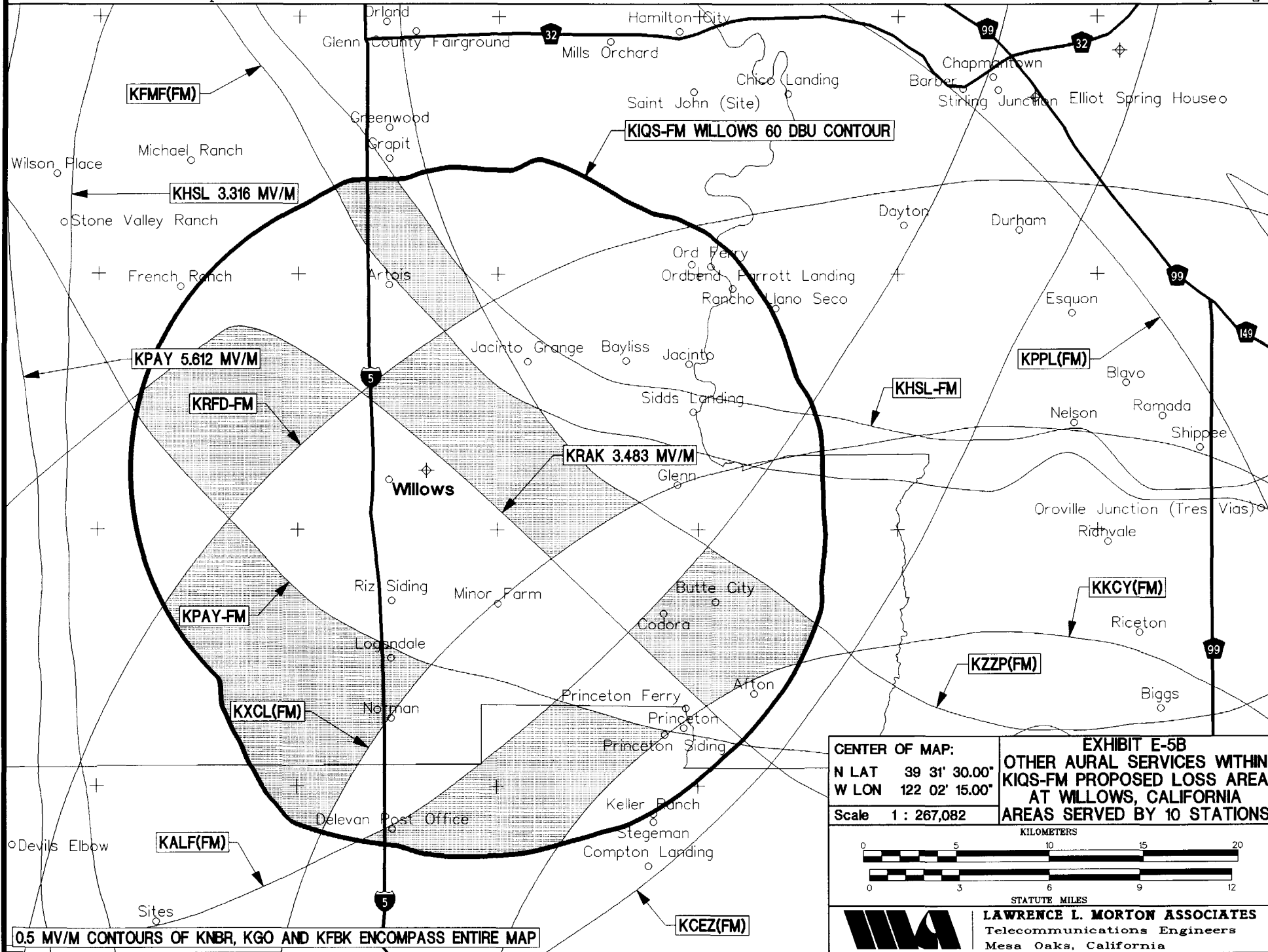
Lambert Azimuthal Equal-Area

7' 30" Graticule Spacing



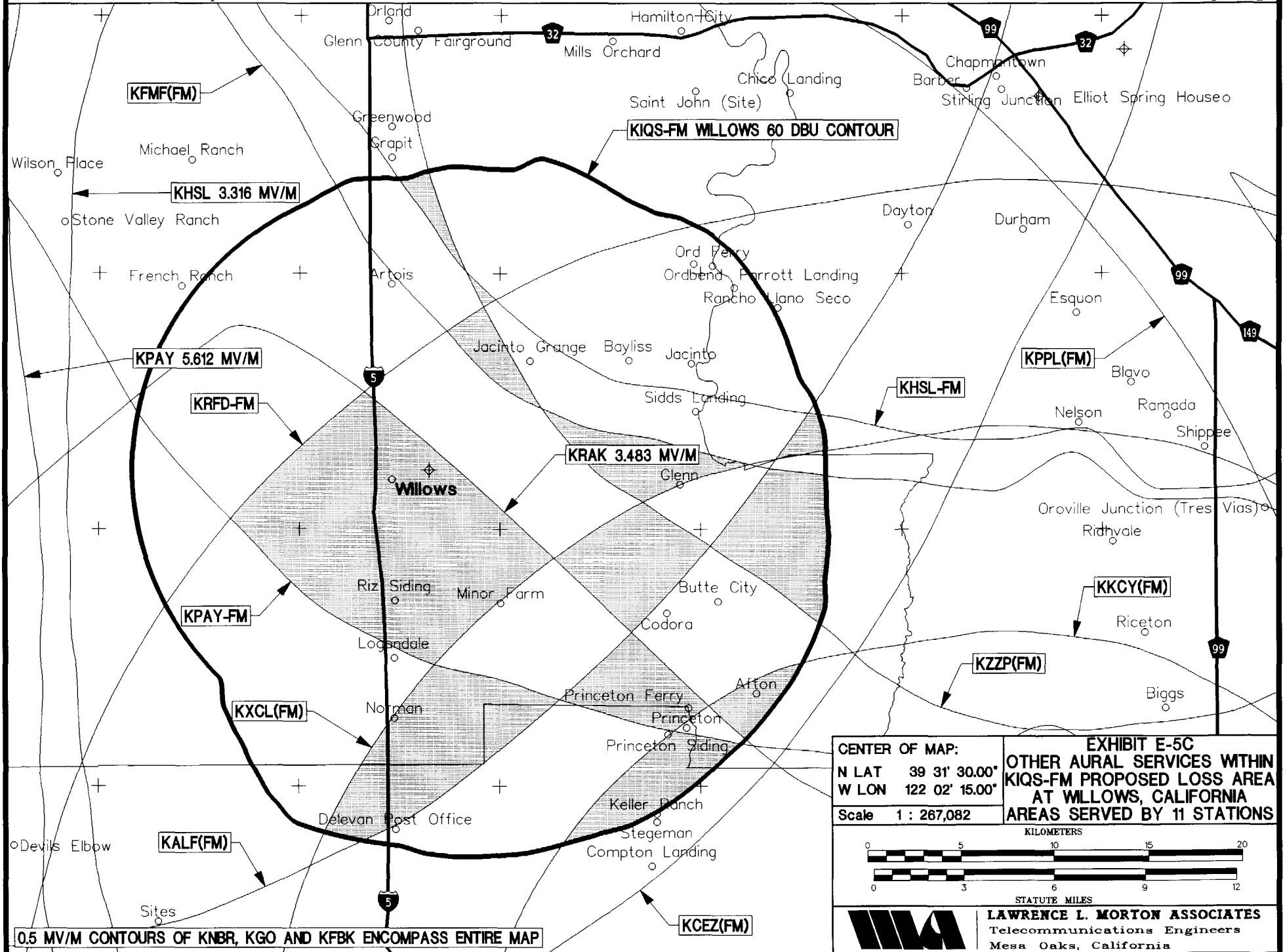
Lambert Azimuthal Equal-Area

7' 30" Graticule Spacing



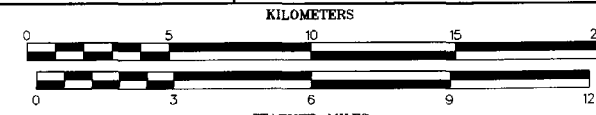
Lambert Azimuthal Equal-Area

7' 30" Graticule Spacing



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 W LON 122 02' 15.00"
 Scale 1 : 267,082

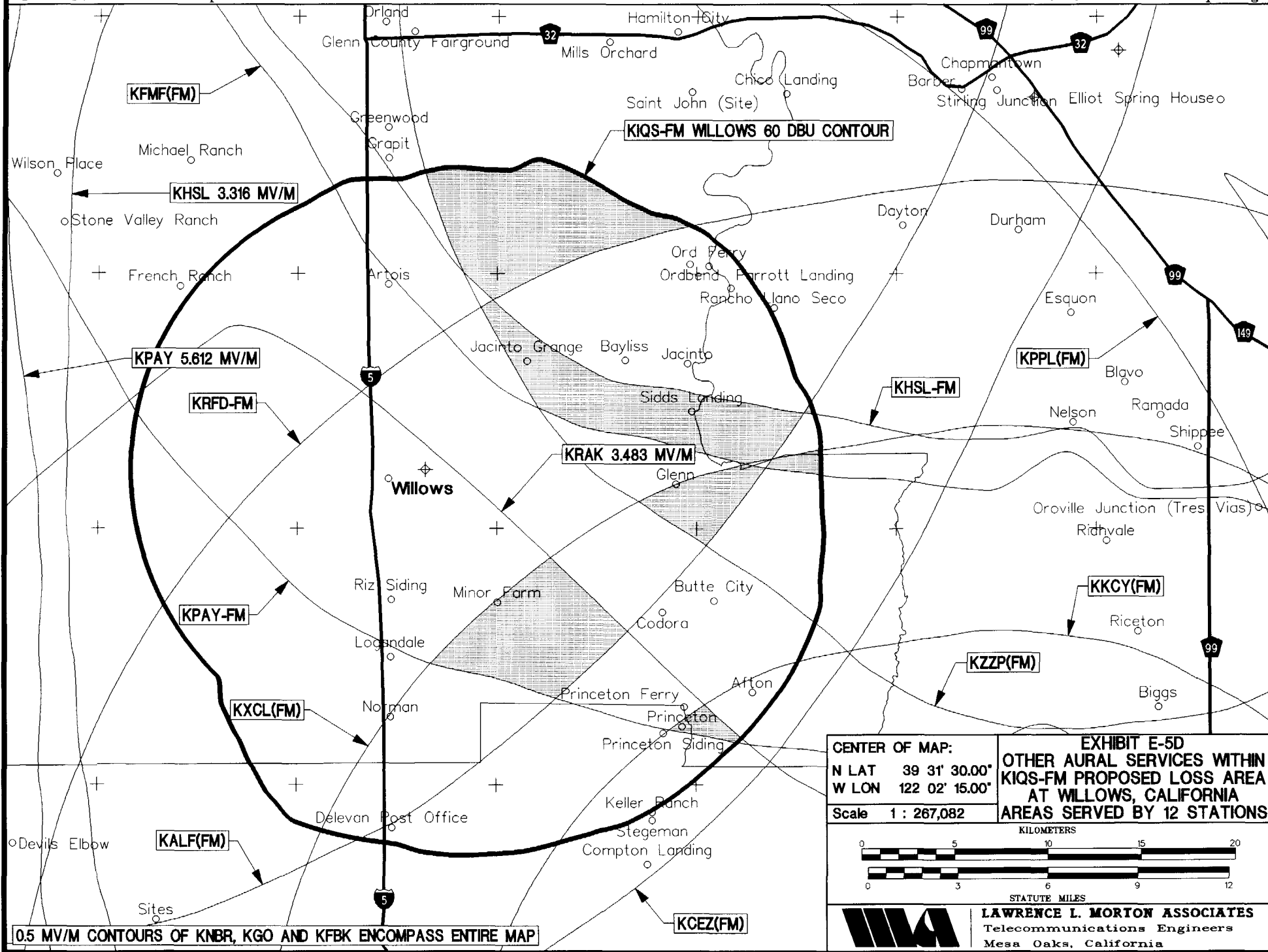
EXHIBIT E-5C
OTHER AURAL SERVICES WITHIN
KIQS-FM PROPOSED LOSS AREA
AT WILLOWS, CALIFORNIA
AREAS SERVED BY 11 STATIONS



LAWRENCE L. MORTON ASSOCIATES
 Telecommunications Engineers
 Mesa Oaks, California

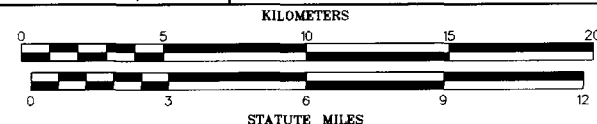
Lambert Azimuthal Equal-Area

7" 30" Graticule Spacing

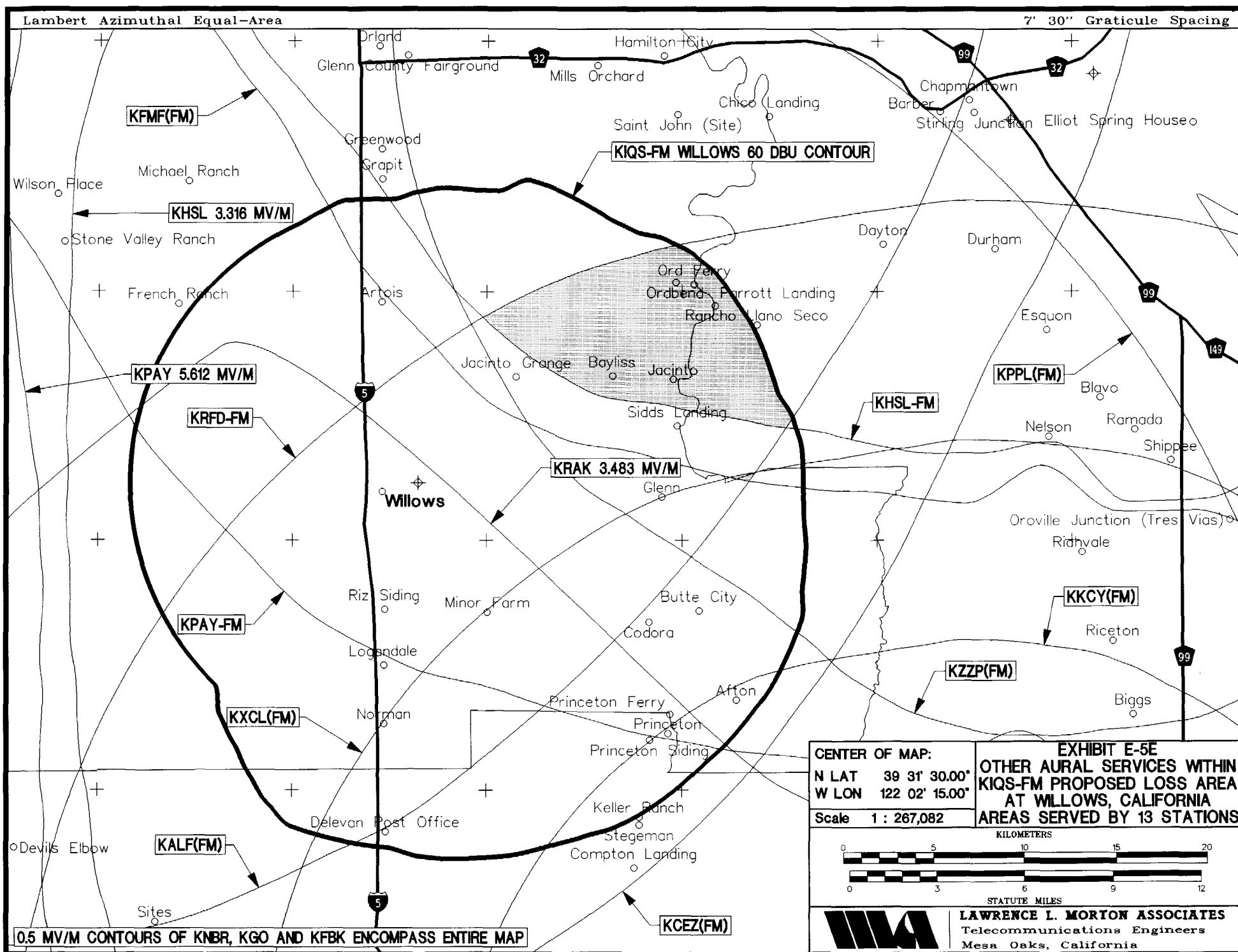


CENTER OF MAP:
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 W LON 122 02' 15.00"
 Scale 1 : 267,082

EXHIBIT E-5D
OTHER AURAL SERVICES WITHIN
KIQS-FM PROPOSED LOSS AREA
AT WILLOWS, CALIFORNIA
AREAS SERVED BY 12 STATIONS



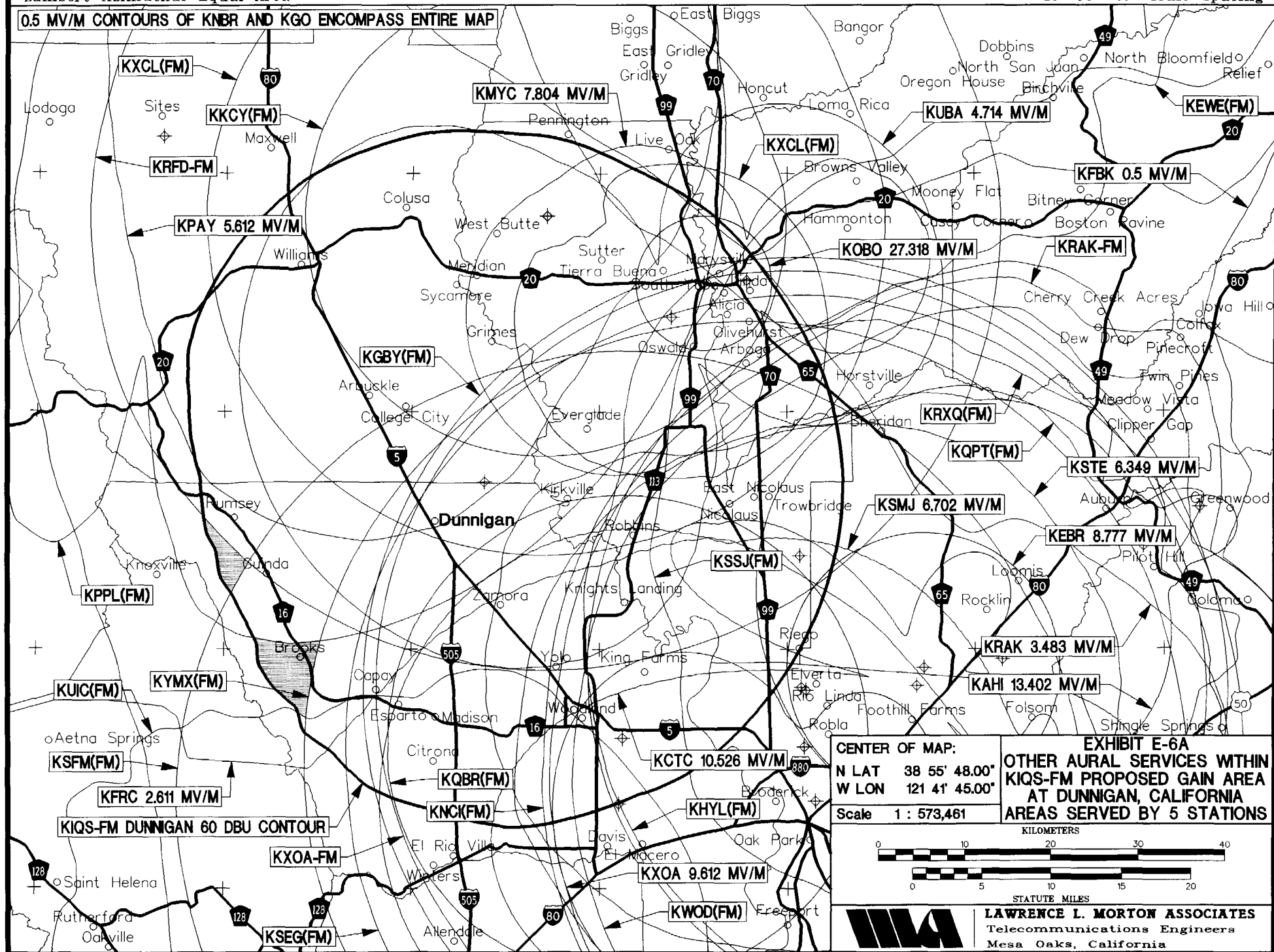
LAWRENCE L. MORTON ASSOCIATES
 Telecommunications Engineers
 Mesa Oaks, California



Lambert Azimuthal Equal-Area

15' 00" Graticule Spacing

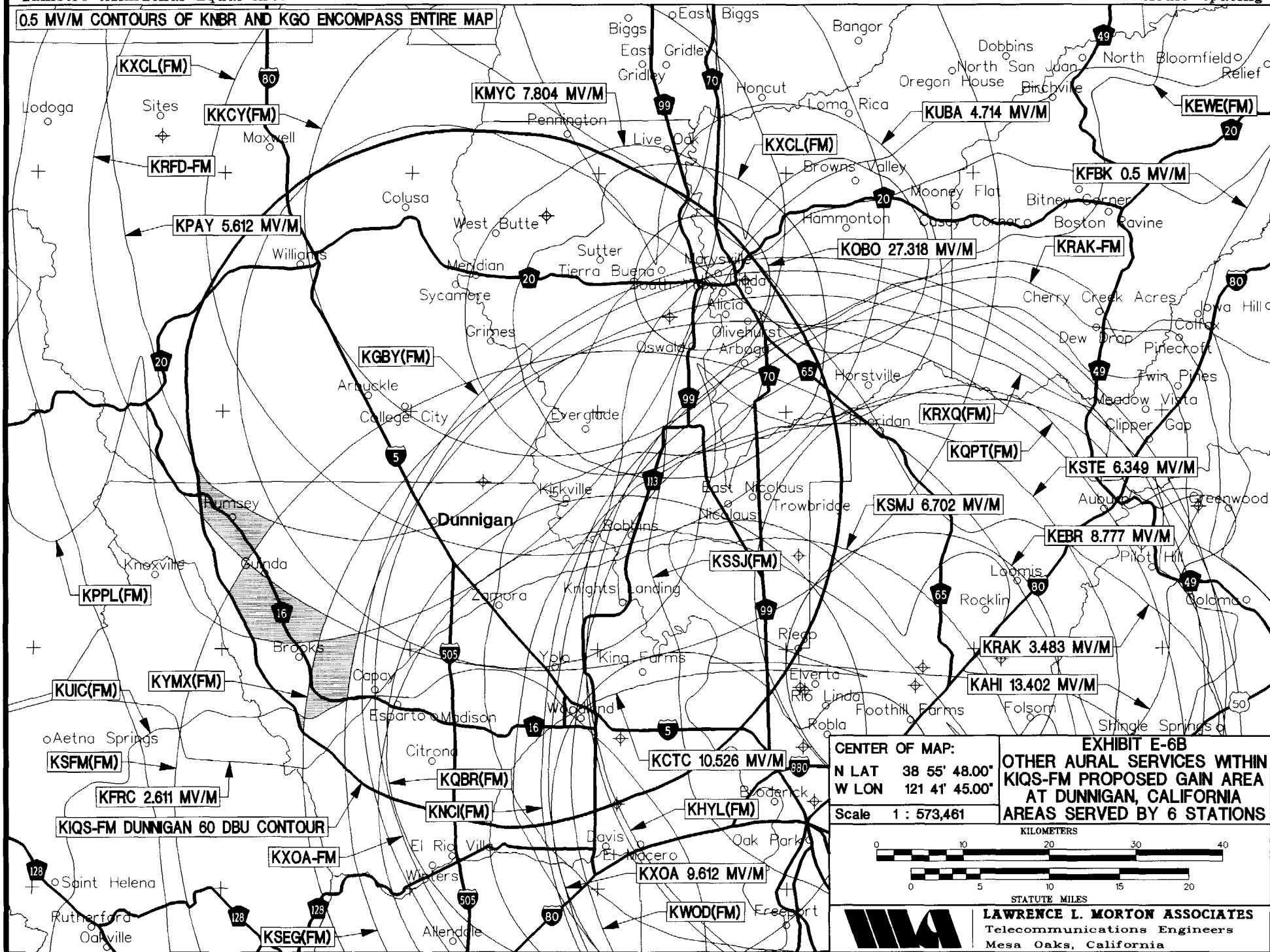
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Lambert Azimuthal Equal-Area

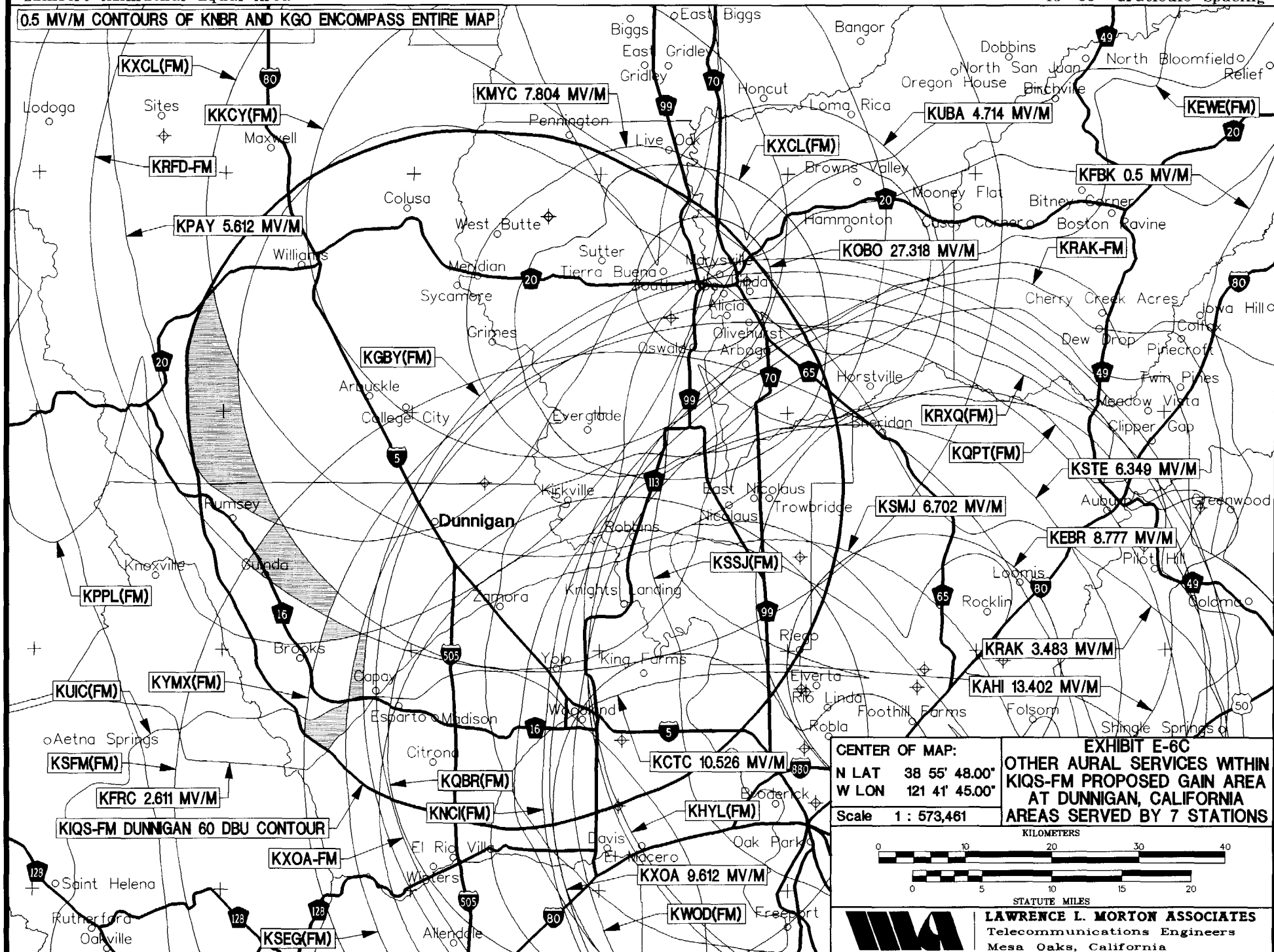
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0.5 MV/M CONTOURS OF KNBR AND KGO ENCOMPASS ENTIRE MAP



15' 00'' Graticule Spacing

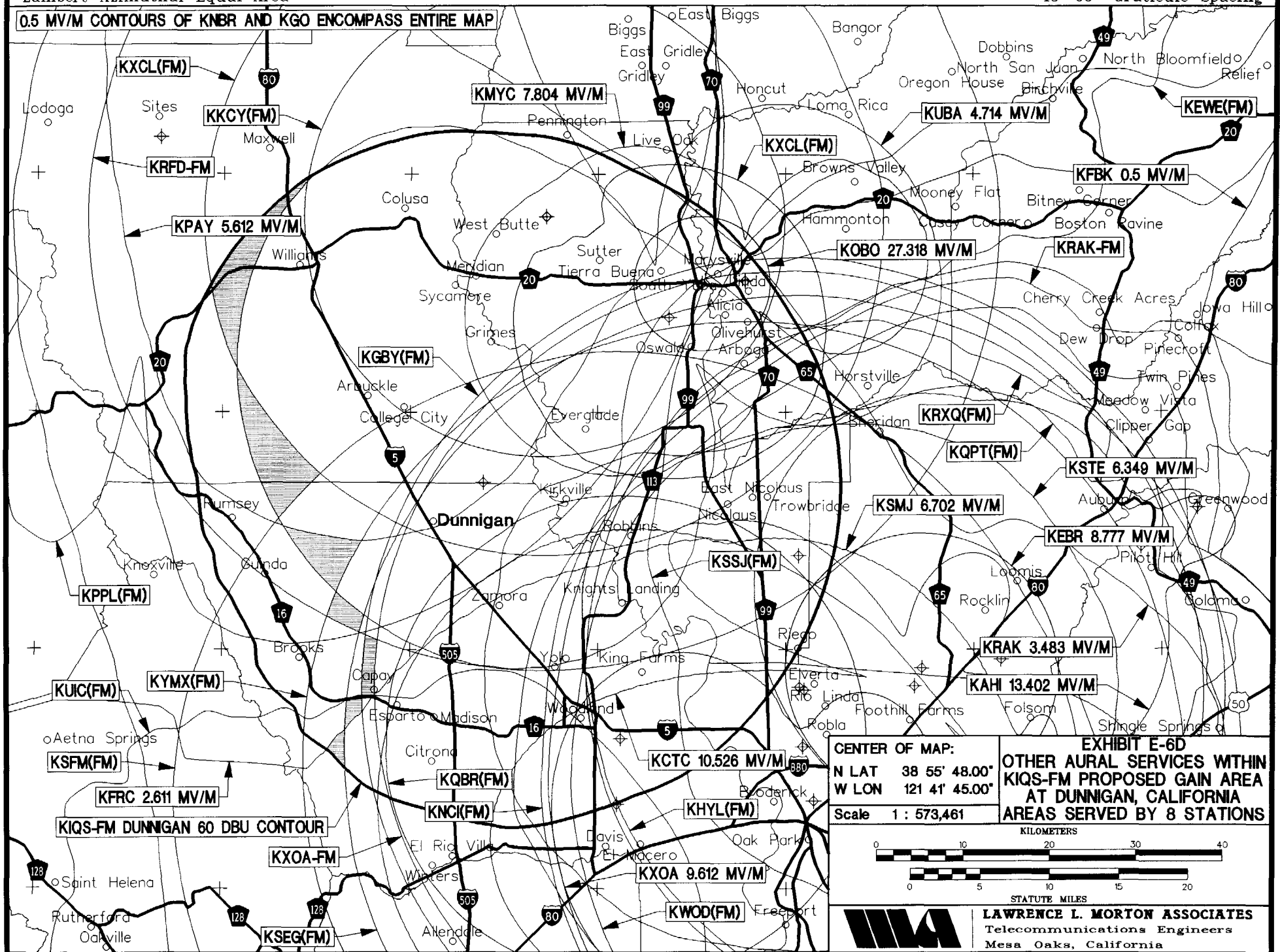
0.5 MV/M CONTOURS OF KNBR AND KGO ENCOMPASS ENTIRE MAP



Lambert Azimuthal Equal-Area

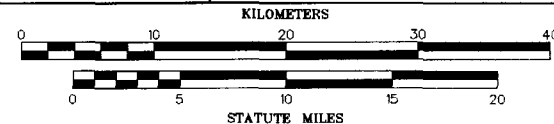
15' 00" Graticule Spacing

0.5 MV/M CONTOURS OF KNBR AND KGO ENCOMPASS ENTIRE MAP



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W LON 121 41' 45.00"
Scale 1 : 573,461

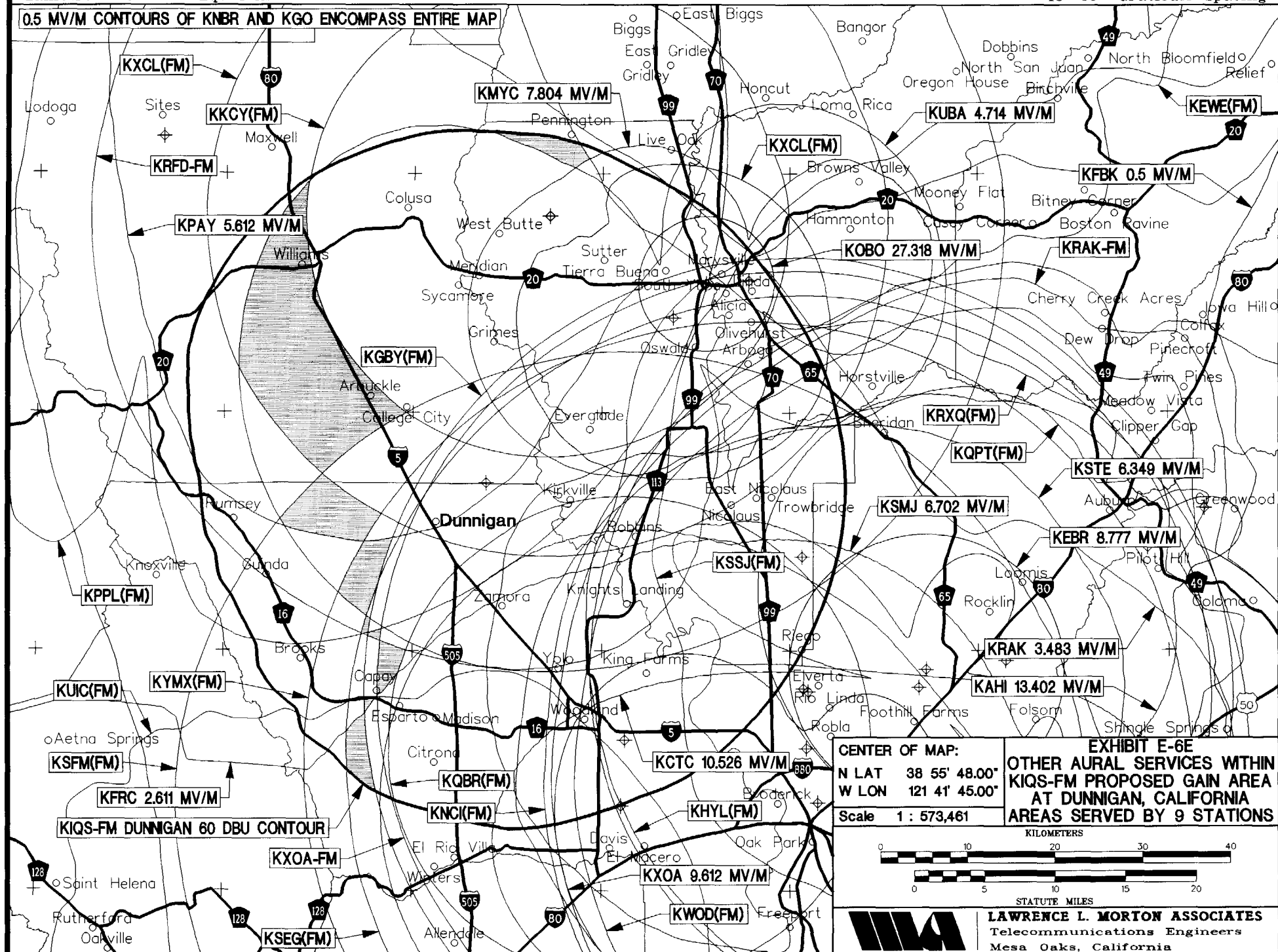
EXHIBIT E-6D
OTHER AURAL SERVICES WITHIN
KIQS-FM PROPOSED GAIN AREA
AT DUNNIGAN, CALIFORNIA
AREAS SERVED BY 8 STATIONS



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California

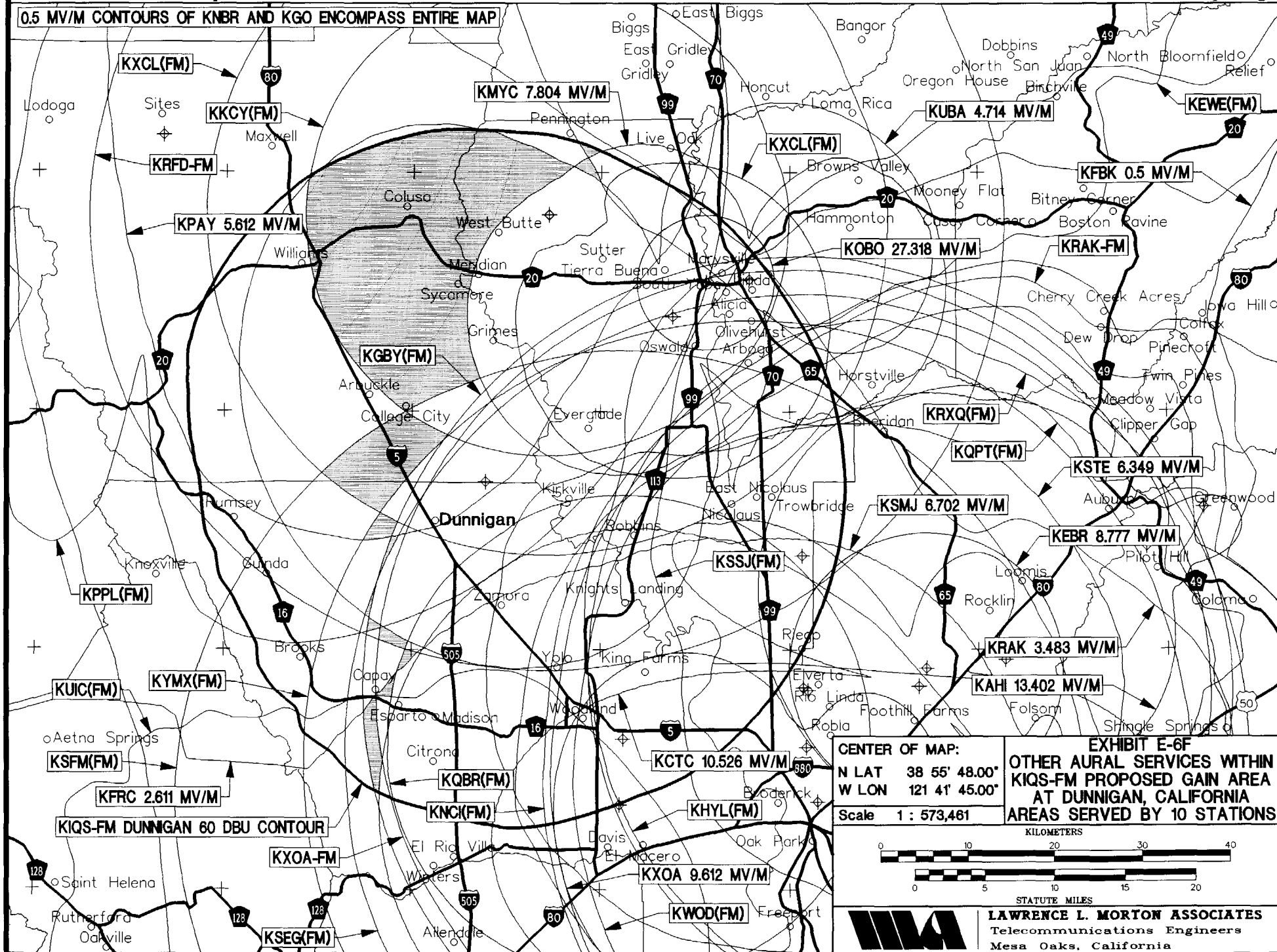
15' 00" Graticule Spacing

0.5 MV/M CONTOURS OF KNBR AND KGO ENCOMPASS ENTIRE MAP



15' 00" Graticule Spacing

0.5 MV/M CONTOURS OF KNBR AND KGO ENCOMPASS ENTIRE MAP



15' 00" Graticule Spacing

0.5 MV/M CONTOURS OF KNBR AND KGO ENCOMPASS ENTIRE MAP

